

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

CALISIA KELLEY; and JOHNNIE MAE)	
KELLEY, Co-Administrators of the ESTATE)	
OF BRUCE KELLEY JR., deceased,)	Civil Action No. 17-1599
)	
Plaintiff,)	
)	
v.)	
)	
BRIAN O'MALLEY , both in his Official and)	
Individual Capacities as Sergeant for the)	
Allegheny County Port Authority; and DOMINIC)	JURY TRIAL DEMANDED
RIVOTTI , in both his Official and Individual)	
Capacities as Officer for the Allegheny)	
County Port Authority,)	
)	
Defendants,)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

AND NOW, come the Defendants, by their undersigned counsel, and file the within Motion for Summary Judgment, and in support thereof state as follows:

1. This case involves a claim of civil rights violations based on the alleged use of excessive force by Defendants against Bruce Kelley, Jr., Plaintiffs' Decedent.
2. Defendants adopt the facts set forth in their Statement Of Material Facts Not In Dispute contained in their Memorandum In Support Of Motion For Summary Judgment as though said facts were set forth herein in full.
3. For the reasons set forth in Defendants' Memorandum In Support Of Motion For Summary Judgment, which is adopted and incorporated herein in full, Defendants are entitled to summary judgment on all claims.

WHEREFORE, Defendants request summary judgment be granted in their favor and that Plaintiffs' Complaint be dismissed with prejudice.

Respectfully submitted,

Evashavik Law, LLC

/s/ Gregory A. Evashavik
Gregory A. Evashavik, Esq.

/s/ Nicholas J. Evashavik
Nicholas J. Evashavik, Esq.
(Attorneys for Defendants)

CERTIFICATE OF SERVICE

We hereby certify that a true and correct copy of the within *Defendants' Motion for Summary Judgment* has been served upon the following parties via electronic service:

Noah Geary, Esquire
(*Counsel for Plaintiffs*)

/s/ Gregory A. Evashavik
Gregory A. Evashavik, Esq.

/s/ Nicholas J. Evashavik
Nicholas J. Evashavik, Esq